



C.P.No.279 of 2016

Company Application No.16 of 2023
in
Company Petition No.279 of 2016

KRISHNAN RAMASAMY, J.

The present Application has been filed to direct the respondent/debtor to pay a sum of Rs.1,65,230/- along with interest from the date of winding up till the date of remittance of principal amount.

2. This Court, by order dated 18.10.2016 made in C.P.No.279 of 2016, had appointed the learned Official Liquidator as the Provisional Liquidator of the Company viz., M/s.KRM Kumaragam Chits Pvt. Limited. Thereafter, the learned Official Liquidator had taken over the charge of the affairs of the Company in provisional liquidation.

3. The learned Official Liquidator submits that the Ex.Director of the company had filed the statement of affairs on 27.02.2018, wherein they have stated that the respondent is liable to pay a sum of Rs.1,65,230/-. To secure the debt, the respondent had also produced an original Settlement Deed No.1496/2013 dated 03.07.2023 and the same is now available with the Official Liquidator.



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4. The learned Official Liquidator had also sent a notice to the respondent on 09.04.2018 and thereafter, he has also sent a reminder notice on 15.10.2020. In spite of two notices, the respondent has not settled the matter and hence, the present Application has been filed.

5. This Court, on 02.02.2023, ordered notice to the respondent and the same has been served on the respondent. The name of the respondent has also been printed in the cause list, but, none appeared on behalf of him. It shows that the respondent is not interested to contest the case. Hence, the respondent is set *ex parte*.

6. From the perusal of the materials placed before this Court and upon hearing the learned Official Liquidator and the statement of affairs filed by the Ex.Director, this Court is of the view that the Official Liquidator has proved the claim and thus, the respondent is liable to pay a sum of Rs.1,65,230/- along with interest from the date of winding up till the date of remittance of the principal amount.



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7. Accordingly, this application is ordered and the respondent is directed to pay a sum of Rs.1,65,230/- along with interest from the date of winding up till the date of remittance of principal amount.

24.03.2023

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